

REMARKS

Claims 1-28 are pending in the Application, with claims 1, 11, and 21 being in independent form. Claims 1 and 11-21 have been amended.

Claim Rejections – 35 USC § 101

The Patent Office rejected claims 11-20 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. (Present Office Action, Page 2). Applicant respectfully, traverses, however, claims 11-20 have been amended, thereby obviating the rejections under this section.

Claim Rejections – Non-Statutory Double Patenting

The Patent Office rejected claims 1-28 under the judicially created doctrine of obviousness-type double patenting over U.S. Patent No. 6,690,396. (Present Office Action, Pages 2-3). The Applicant respectfully requests that this rejection be held in abeyance until further prosecution of the present application has occurred.

Claim Rejections – 35 USC § 102

The Patent Office rejected claims 1-28 as being anticipated under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,760,884 to Vertelney, hereinafter “Vertelney”. (Present Office Action, Page 3). The present application provides a system and method for creating web pages with user interface elements using scannable representations of user interface elements.

Applicant respectfully traverses. “Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration.” *W.L. Gore & Assocs. v. Garlock, Inc.*, 721 F.2d 1540. Applicant submits claims 1, 11 and 21 recite elements which have not been disclosed, taught or suggested by Vertelney. For example, claims 1, 11 and 21 generally recite designing a web page including at least one user interface element, where the user interface elements are implemented by scanning a graphical representation of a user interface element where the computer recognizes the

graphical representation and implements the desired user interface element. Vertelney generally relates to designing world wide web pages, however, Vertelney is wholly silent to designing web pages to include at least one user interface element. Additionally, Vertelney is wholly silent to using a scannable graphical representation of a user interface where the computer recognizes and implements the desired user interface element. Vertelney teaches that “[a]fter the author generates one or more stories via the input device, the author’s input is transformed into one or more stories that are displayed on a computer (e.g., via a world wide web page) such that others may view the authored stories.” (Vertelney, Column 2, Lines 37-41).

The mere possibility that Vertelney may include user interface elements is not enough to establish the inherent presence of the user interface elements, nor the user interface representation within an image. “Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing *may* result from a given set of circumstances is not sufficient.” In re Oelrich, 666 F.2d 578, 581 (C.C.P.A. 1981) (emphasis in original).

The references cited by the Patent Office do not disclose, teach or suggest designing world wide web pages including user interface elements or designing world wide web pages with user interface elements which are implemented by scanning graphical representations of user interface elements where the computer recognizes the graphical representations and implements the desired user interface elements. Therefore, independent claims 1, 11 and 21 should be allowed. Furthermore, claims 2-10 (depending from claim 1), claims 12-20 (depending from claim 11), and claims 22-28 (depending from claim 21) should also be allowed.

CONCLUSION

In light of the forgoing, reconsideration and allowance of the pending claims is earnestly solicited.

Respectfully submitted,
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